

RECC

3/30/06

COPY

888 South King Street • Honolulu, HI 96813

Straub
CLINIC & HOSPITAL

(808) 522-4000 • straubhealth.org

JAY
e5223526

March 28, 2006

The Honorable Judge Helen Gilmore
300 Ala Moana Blvd., Rm. C-435
Honolulu, HI 96850

RE: VANDER VELDE, MARY
MR#: 22215086

Dear Judge Gilmore:

This 23-year-old female who appeared for a psychological evaluation on 03/21/2006, upon your referral. Prior to my interview of her, I reviewed documents that her attorney, Mr. Jack Schweigert sent me, including the stipulation in the United States District Court for the District of Hawaii, CR. NO. 04-00401 HG, school records, test results and report cards.

Interview of Mary Vander Velde, 03/21/06.

Ms Vander Velde appeared appropriately dressed and seemed comfortable and aware of the purpose of this evaluation. She stated that she is involved in a criminal matter, as she was charged with transporting 50 gm of "ice" from Lahaina, Maui to Lanai. She was arrested along with her boyfriend, Arnold Arruiza. She said that this is her first criminal offense. She had 1 traffic violation at age 18 for driving without any car insurance.

Mary said that Arnold, a 37-year-old unemployed man from Lanai who had been in prison for 2 years for a drug offense, "forced me to do it." In June 2005, she says she was on Lanai with Arnold, who drove her to the ferry. He kept all of her things in a bag that included her clothes and various personal items, and told her to get on the ferry, meet with Uncle George in Lahaina and bring back a bag to Lanai. She did not know that it contained drugs but assumed that the bag contained drugs. Uncle George also asked her to take back a cream pie to Arnold.

(While Mary was alert, oriented, and adequately able to hear my questions, there was some difficulty in interviewing her. She had a frown and a quizzical expression, with some apparent difficulty in understanding a number of my questions. I often had to reword the question and use simpler vocabulary. Even then, she answered somewhat inappropriately, e.g., confusing what I was asking her about her arrest in October with the event that took place in June. Finally, I realized that she was talking about the criminal offense that took place in June 2004 and that she was arrested in October 2004. Until I clarified the timetable, Mary herself was confused and asked, "It's 2006, already?")

RE: VANDER VELDE, MARY HEIDI
March 28, 2006
Page 2 of 5

Mary said that Arnold was also arrested and has already been sentenced to 13-1/2 years in prison. Others arrested for the same offense included Uncle George and 16 others, all blood family members, except for herself.

Following her arrest, she was at the Federal Detention Center in Honolulu from 10/01/04 until 12/08/04 when she was put on supervised release. Mary then went to a halfway house in Honolulu, the T.J. Mahoney Hale, where she remained for "9 months" from 12/08/04 until 09/28/05.

Since 09/28/05, she has been with her family in Kihei, Maui. From 10/09/05 to the present time, she has been working full-time at a convenience store, the Minute Stop. In addition, she does some part-time auto detailing as well as some house cleaning.

Mary said that she was born in Maui, raised briefly on the Big Island, and returned to Maui at age 8. Her father, Joel J. Lewis is about 60 years of age and is currently a disabled sign maker. Her mother, Heidi Vander Velde, is about 50 years of age and a homemaker. Her half brother, Ed Vander Velde, is about 29 years of age and working as a roofer and living in Kihei. Her 24-year-old brother, Joel Lewis, is in a clean and sober house in Kona. He has been convicted of with robbery and has spent 4 years in prison on Maui and on Oahu. Her 18-year-old sister, Jane Vander Velde and her 16-year-old brother, John Vander Velde, live in a foster home, after a house fire that occurred in the family home.

Mary entered kindergarten and first grade in Pahoa on the Big Island, spent the second to the fifth grades at Kihei Elementary School, where she was in special education. During that time, she recalls being very shy, even covering her face with her hair, not wanting people to look at her. She says she was teased for being in special education and later on for being obese. This continued until about the sixth grade.

She attended Lokelani Middle School and Baldwin High School where she was again in special education. She was fairly active in abusing drugs, especially crystal methamphetamine, with adult neighbors, including some of her father's friends. Eventually, she dropped out of school and lived with a boyfriend, Gary, who was 29 years of age.

From age 19 until age 22, Mary was heavily involved in drug abuse, including crystal methamphetamine, marijuana, cocaine, and alcohol. She had several boyfriends who were much older, the one closest in age was 12 years older while another was 27 years older. According to her drug counselor, Dee White, Mary's relationship with these men was largely due to her need for shelter.

At age 18, she became pregnant but eventually had an abortion. She was homeless for a while. She was dominated by the older men, particularly her last boyfriend, Arnold. She said that she was intimidated most by Arnold and was afraid of him. She described him as "scary." He often yelled at her and once struck her on the mouth. She was with Arnold for about 5 months when the criminal offense took place.

Regarding the incident of June 2004, she said that she did not know what to do except to follow Arnold's orders. If she disobeyed or ran away, she would lose her belongings that included her clothes, car registration papers, and cash of about \$150. She believed that he would eventually be able to track her down. She often heard Arnold make threats to people who did not pay him debts.

RE: VANDER VELDE, MARY HEIDI
March 28, 2006
Page 3 of 5

on drug sales, and she believed that he would carry out his threat on her as well. Mary described him as a bully.

Psychological Test Results, 03/21/06:

The following psychological tests were administered: Wechsler Intelligence Scale for Adults-III, Wide Range Achievement Test 3, Minnesota Multiphasic Personality Inventory 2, Draw-A-Person, and Sentence Completion Test. Mary was cooperative for all aspects of testing and seemed to be trying her best.

Overall intelligence was found to be in the low average range. Her Verbal IQ was 86 (18th percentile rank) and her Performance IQ was 81 (10th percentile rank), yielding a Full Scale IQ of 83 (13th percentile rank). She was able to attain average scores in tests of vocabulary, arithmetic, and concentration, but she was far below average in measures of general information and social comprehension. For example, she said that the sun rose in the north, that there were 82 weeks in the year, and that Brazil was in Russia. She said that the reason for child labor laws is because "kids are too young to sell alcohol," and we pay taxes "so you get your tax returns."

Mary who dropped out of her senior year in high school and obtained a GED, was able to read at the 8th grade level, spell at the 6th grade level and performed arithmetic at the 5th grade level.

Her human figure drawings were normal and unremarkable.

Among the Incomplete Sentences that she wrote, the following were notable:

What annoys me "the most is my mom."
In school "I had very few friends."
My nerves "get tense."
I suffer "when I don't do the right thing."
I hate "when people won't let me say no."
My father "always is their for me."
I "want to go to Hawaiian water adventure park."
My greatest worry is "going to court for sentencing."

Mary's approach to answering the MMPI-2 was marked by normal scores in Scales F and K. These findings indicate that she was nondefensive and did not attempt to magnify any psychological problem. An extremely high score in Scale L (T90, above the normal cutoff of 65) was consistent with marked denial of wrongful behavior, having little or no insight into her motivations and little awareness of the consequences of her actions. The extremely high L score could be suggestive of confused thinking as well.

The MMPI-2 clinical profile revealed that 8 of the 10 clinical scales were abnormally elevated, indicative of moderate psychological distress. The highest peaks in Scales 7 (T83), 8 (T82) and 2 (T80), reflect Mary's anxieties and depressed mood, as well as her deficits in thinking and problem solving. She displayed distress in social relations and a tendency toward social withdrawal. No antisocial characteristics were seen.

RE: VANDER VELDE, MARY HEIDI
 March 28, 2006
 Page 4 of 5

Summary and Impression:

Mary Vander Velde is the product of a highly aberrant childhood, highlighted by several years of sexual abuse (between ages 3 and 9) by her older brother, poor academic record with special education classes in elementary and high school, teasing and social isolation from classmates, and introduction in her teens to alcohol and illegal drugs by adults, including her father's friends. Perhaps to escape her abusive home situation, at age 9 Mary lived with a friend's family for about a year, and repeated this pattern throughout her childhood. She recalled both parents frequently yelling at home and her father being physically abusive (Mary remembers a cut lip). Mary said she was treated by a psychiatrist, Dr. McGuffy, for depression when she was in high school. (It should be noted that Mary's younger brother and sister are now placed in foster homes apparently because of the dysfunctional nature of Mary's household.)

When she was in the 11th grade, Gary, a neighbor who was about 29 years, gave her housing, had sexual relations, and fostered her drug abuse. Mary has since had similar relationships with three older men, as much as 25 years older than she, who provided shelter and continued drug abuse.

Mary's last relationship was with Arnold, age 39, for about 5 months. She described him as a "bully" who was sexually demanding and who habitually yelled and "went all crazy" at people, usually for not paying their drug debts. Mary was very upset when Arnold's friend, Samson, raped her, and Arnold did nothing about it.

In June 2004, Mary was told by Arnold to go by ferry from Lanai to Maui to retrieve a bag from Uncle George and return to Lanai. She felt compelled to follow Arnold's orders because he took possession of her belongings that were in a large bag. She suspected that she was handling illegal drugs, but Mary nonetheless complied with his plans and participated in bringing drugs back to Lanai.

Consideration of Mary Vander Velde's participation in the drug offenses of June 2004 must take into account her complex psychiatric history of long-term sex abuse as a young child by an older brother, unstable family setting resulting in her living since age 9 with various adults, academic and social failure in school as a special education student, exposure as a teen to illicit drugs for several years with her father's friends and other adults in the neighborhood, and pathologically dependent relationships with older men who supplied shelter and persistent drug experiences. Given her emotionally fragile, psychologically stunted, passive and non-assertive personality with limited coping and adaptive abilities, along with Arnold's aggressive, threatening and controlling manner, Mary seemed to have little choice but to follow his demand to retrieve drugs from Maui.

Mary has a long-term battle with drug addiction and a need for ongoing psychotherapeutic assistance. She needs strong mental health support, in the short term, to stabilize her day-to-day living circumstances and maintain consistency in employment, and in the long term, to learn independent adult living and to understand and develop normal relationships with others, especially men. Prison would appear to be a poor alternative for this weak, immature and vulnerable young lady who has no anti-social or sociopathic characteristics.

RE: VANDER VELDE, MARY HEIDI
March 28, 2006
Page 5 of 5

Thank you for asking for my input regarding this difficult situation. Please let me know if there are any questions about this report.

Sincerely,



William T. Tsushima, PhD

WTT:hrt
J: /20077367/3276683

cc: U.S. Attorney Thomas Muehleck
300 Ala Moana Blvd., Rm. 600
Honolulu, HI 96850

Jack Schweigert
550 Halekauwila Street, Rm. 309
Honolulu, HI 96813